IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 113 (S/S) 2007

Shashi Kumar Saini,
Sub Inspector Excise,
Chini Mill Laksar, district Haridwar. .....Petitioner.

Versus

1. State of Uttarakhand through its Secretary Excise, Uttarakhand, Dehradun,
2. Excise Commissioner, Uttarakhand, Dehradun,
3. Joint Excise Commissioner, Uttaranchal,
4. Assistant Excise Commissioner, Haridwar.

.....Respondents.

Sri Yogesh Pandey, learned counsel for the petitioner,
Sri Subhash Upadhyay, learned Standing Counsel for State,

Hon'ble M.M. Ghildiyal, J.

Heard Sri Yogesh Pandey, learned counsel for the petitioner and Sri Subhash Upadhyay, learned Standing Counsel for the State/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

(i) A writ, order or direction in the nature of mandamus commanding the respondents to decide the representation of the petitioner dated 02.01.2006 submitted by him in respect of adverse entry made in his service book for the year 2004-05,

(ii) Any other suitable writ, order or direction which this Hon'ble Court may be deem fit and proper in the circumstances of the case,

(iii) Award the cost of petition to the petitioner.

Submission of the petitioner is that he was appointed as Sub Inspector Excise in the year 1990. During the service when he was posted as Sub Inspector Excise at Laksar Sugar Mill, Haridwar he was informed about an adverse entry recorded against him in the year 2004-05 vide letter dated 26.11.2005, which was served upon him on 02.01.2005. The petitioner made his representation on 02.01.2006 before the respondent no. 1 against the adverse entry awarded to him. The said representation is still pending and no order has been passed by the respondent no. 1. As the promotions to the posts of Inspector are likely to be made and in case, the representation of the petitioner is not decided before making promotions on the post of Inspectors, the petitioner will suffer irreparable loss.

In the circumstances above, I think it just and proper to direct the respondent no. 1 to take decision on the representation of the petitioner made by him on 02.01.2006 within a period of one month from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

February 22, 2007:
NCM: